

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SILVIA DIAZ-ROA

Case No. 24-cv-02105-LJL

Plaintiff,

NOTICE OF MOTION

- against -

HERMES LAW, P.C., SYZYGY LEGAL TECH, INC.
d/b/a CLAIMDECK, DWAYNE HERMES, and
ANDREA HERMES,

Defendants.
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PLEASE TAKE NOTICE that, upon all prior pleadings and proceedings herein, including the Complaint, the Declaration of Andrea Hermes, the Declaration of Dwayne Hermes with the Exhibits annexed thereto, and the accompanying Memorandum of Law, the undersigned will move this Court before the Honorable Lewis J. Liman, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, Courtroom 15C, on a date to be determined by the Court, for an Order: (a) pursuant to Rule 12(b)(1), F.R.Civ.P. and the Federal Arbitration Act § 3, referring Plaintiff's claims to arbitration and staying the instant matter for lack of subject matter jurisdiction in light of the parties' valid Arbitration Agreement, or, in the alternative, staying Plaintiff's sexual harassment claims under the New York State Human Rights Law and the New York City Human Rights Law pending completion of arbitration of all other claims against the movants; (b) pursuant to Rule 12(b)(2), dismissing the Complaint in its entirety for lack of personal jurisdiction; (c) pursuant to Rule 12(b)(3), dismissing the Complaint in its entirety for improper venue; (d) transferring the instant case to the Northern District of Texas pursuant to 28 U.S.C. § 1404(a), § 1406(a), and the first-filed doctrine; or, in the alternative (e) pursuant to Rule 12(b)(6), dismissing the Complaint in its entirety for failure to state any claim

upon which relief can be granted; (f) staying discovery pursuant to Rule 26(c) pending the instant motion; and (g) granting movants costs, fees and such other and further relief as is just and proper.

Dated: New York, New York
June 3, 2024

LEWIS BRISBOIS BISGAARD & SMITH LLP

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